

REMARKS

The last Office Action of June 9, 2008 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 15-34 are pending in the application. Claims 15, 24, 25 have been amended. Claims 16, 27 have been canceled. Claims 35-41 have been added. A total of 25 claims are now on file. The claim surcharge of \$460.00 is enclosed. Amendment to the specification has been made.

Claims 15-18, 22-34 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 6,157,887 to Zittlau.

Claims 19-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zittlau.

The Examiner is respectfully requested to provide applicant with a new PTO-892 form as the form attached to the recent Office Action failed to refer to the applied Zittlau reference.

Applicant has amended independent claims 15 and 25 to recite the controller controlling the actuating element through the evaluation unit using the second data bus. Support therefore can be found in claims 16, 25 and 27 and paragraph [0016]. Actuator claim 35 has been added to recite subject matter referred to in method claim 27 and claims 36 and 37 have been added to claim the method corresponding to apparatus recited in claims 23-24. Claims 38-39 have been added to recite the advantageous use of a different types of buses as the first and second buses, respectively, which is supported in the instant specification in paragraphs [0006], [0010]-[0011] and [0018]-[0019].

Paragraphs [0006], [0011], [0014], [0016], [0018], [0031] and [0034] have been amended to correct obvious translation errors involving English and German word order, for the sake of the clarity and internal consistency in the English text.

The rejection of claims 15-18 and 25-34, as amended, under 35 U.S.C. 102(b) as anticipated by Zittlau is hereby respectfully traversed.

In Zittlau, the control unit 10 is connected directly to the actuators 4, and not through the evaluation unit as recited in the applicant's amended claims 15 and 25 and claims 16-18 and 26-34 that are dependent thereon. See, Zittlau, col. 3, line 50 and Fig. 1.

The rejection of claims 23-24, as filed, under 35 U.S.C. 102(b) as anticipated by Zittlau is also hereby respectfully traversed.

With regard to unamended claim 23, and claim 24 that is dependent on claim 23, nothing in Zittlau discloses or suggests either the means for comparing operating parameters to required parameters or the means for providing data from the first data bus to the evaluation unit when an operating parameter satisfies a required parameter or means for providing a fault signal to the controller over the second data bus when an operating parameter does not satisfy a required parameter.

In the applicant's specification, the "operating parameters" recited in these claims are the nominal or reference values that are used to determine a sensor's characteristic curve and also the suitability of a sensor or actuating element for use in the actuator, as seen in paragraphs [0012], [0014] and [0021] – [0023] of the specification. Thus these "operating parameters" are not values produced by the operation of sensors or actuating elements during the operation of the actuator. Instead, "operating parameters" are used to check the suitability sensors and actuating elements before or during the operation of the actuator, so that failed sensors and actuating elements used in the actuator can be safely replaced. Also, these "operating parameters" are used to check the suitability sensors and actuating elements that haven't been replaced, whenever a new task requires changes in the operation of the actuator, as noted in paragraphs [0014], [0021] and [0023].

Please note that the reference to Claim "22" in the rejection of claims under 35 U.S.C. 102(b) was clearly a clerical error. Claim 22 is dependent on claim 21, and claim 21 was rejected only under 35 U.S.C. 103(a) in this Office Action.

The rejection of claims 19-22 under 35 U.S.C. 103(a) as obvious per se over Zittlau is hereby respectfully traversed for the reasons given above with respect to claims 15-18 and 23-34.

Furthermore, applicant's invention advantageously provides first and second buses by which the controller indirectly accesses state data and measurements produced by the actuating elements and sensors, and controls the actuator, as described in paragraphs [0009] – [0011], [0016] and [0018] – [0020]. This invention advantageously uses the evaluation unit to preprocess and store the state data and measurement variables, which makes detailed inspections possible because a standardized controller and second bus can query a non-standard set of actuator elements and sensors that may be connected to a non-standard first bus through the evaluation unit as noted in paragraph [0016]. This connection also makes routine inspections faster and easier, by enabling such things as automatic preprocessing of the data to automatically match the evaluation provided by the evaluation unit to the sensor that is actually used [0022], and automatic provision of a predetermined set of data [0035] to the controller or providing data to the controller when limit values for the data are exceeded as noted in paragraph [0023]. Nothing in Zittlau discloses or suggests these advantageous features of applicant's invention.

Please note the claim 19, and not claim 21, recites a motor adapted to drive the actuator.

For the reasons set forth above, it is applicant's contention that Zittlau neither teaches nor suggests the features of the present invention, as recited in claim 15, 23, 25, 37.

As for the rejection of the retained dependent claims, these claims depend on claims 15, 23, 25, 37, share their presumably allowable features, and therefore it is respectfully submitted that these claims should also be allowed.

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested

that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

By: 

Henry M. Feiereisen
Agent For Applicant
Reg. No: 31,084

Date: August 25, 2008
708 Third Avenue
Suite 1501
New York, N.Y. 10017
(212)244-5500
HMF/RL:af